

Michael J. Myers
Pro Hac Vice application pending
 Morgan A. Costello
 Admitted *Pro Hac Vice*
 Assistant Attorney General
 New York State Attorney General's Office
 Environmental Protection Bureau
 The Capitol
 Albany, NY 12224
 Telephone: (518) 776-2392
 Facsimile: (518) 650-9363
 Email: morgan.costello@ag.ny.gov

*Attorneys for Movants State of New York
 and New York State Department of Environmental
 Conservation*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN "CLEAN DIESEL"
 MARKETING, SALES PRACTICES, AND
 PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**NOTICE OF MOTION AND MOTION
 TO REMAND**

This Document Relates to:

Hearing Date: TBD
 Time: TBD

*State of New York et al. v. Volkswagen
 Aktiengesellschaft et al.*, Case No. 3:16-cv-05089
 (CRB)

The Honorable Charles R. Breyer

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE THAT at a date and time to be determined by the Court, in the courtroom of the Honorable Charles R. Breyer, located in the Federal Courthouse, 450 Golden Gate Avenue, 17th floor, Courtroom 6, San Francisco, California, Movants State of New York and the New York State Department of Environmental Conservation, by Eric T. Schneiderman, Attorney General of the State of New York, will and hereby does move pursuant to 28 U.S.C. § 1447(c) to remand *State of*

1 *New York et al. v. Volkswagen Aktiengesellschaft et al.*, Case No. 3:16-cv-05089-CRB (N.D. Cal.),
 2 original federal court Case No. 1:16-cv-1005-GTS-CFH (N.D.N.Y.), original state court Case No.
 3 904021-16 (N.Y. Sup. Ct., Albany Co.), to the Supreme Court of the State of New York, County of
 4 Albany, New York, due to lack of subject matter jurisdiction, and for payment of just costs and actual
 5 expenses, including attorneys' fees, incurred as a result of defendants' improper removal of the *State of*
 6 *New York* action to federal court.

7 Pursuant to the Court's Pre-Trial Order No. 22, Movants will set forth the points and authorities
 8 in support of this motion pursuant to the schedule for briefing motions to remand to be set by the Court
 9 after the date of the final approval hearing regarding the Class Action Settlement, currently scheduled
 10 for October 18, 2016.

11 Dated: October 5, 2016

12 Respectfully Submitted,

13 ERIC T. SCHNEIDERMAN
 14 *Attorney General of New York*

15 By: /s/Morgan A. Costello
 16 MORGAN A. COSTELLO
 17 *Assistant Attorney General*
 18 Environmental Protection Bureau
 19 The Capitol
 20 Albany, NY 12224
 21 (518) 776-2392
 22 *For Movants State of New York and New York State*
 23 *Department of Environmental Conservation*
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